

Notice of Allowability**Application No.**

10/541,804

Examiner

Daniel S. Metzmaier

Applicant(s)

WANTLING ET AL.

Art Unit

1796

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment and response of 26 February 2009 and interview of 6 May 2009.
2. ☒ The allowed claim(s) is/are 1-7 and 9-14.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 5/6/2009.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

/Daniel S. Metzmaier/
Primary Examiner, Art Unit 1796

EXAMINER'S AMENDMENT

Claims 1-7 and 9-14 are allowed.

Terminal Disclaimer

1. The terminal disclaimer filed on 26 February 2009 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of US 7,294,189 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Examiner's amendment

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Lisa Kimes Jones on 06 May 2009.

The application has been amended as follows:

Amend the specification as set forth on page 3 of this examiner's amendment.

Begin Amendment to the specification

On page 1, after the Title and before the section heading "FIELD OF THE INVENTION", please insert the following section.

CROSS-REFERENCE TO RELATED APPLICATIONS

This application was filed under 35 U.S.C. 371 based on PCT/US04/16039, filed 20 May 2004, which claims benefit to provisional applications 60/475,922, filed 05 June 2003, and 60/516,937, filed 03 November 2003.

Please replace all previous abstracts with the abstract as follows.

ABSTRACT

Emulsions are provided which are useful in imparting water-resistance to lignocellulosic products. In one embodiment, the emulsions contain a nonsaponifiable wax, a saponified wax, an alkyl phenol component, a dispersant/surfactant such as a salt of polynaphthalenesulfonic acid, and a carboxymethylcellulose. Such emulsions may be added to hot, even boiling, water without the emulsion separating or curdling. Various embodiments are stable for extended periods of time when stored at room temperature, do not require the addition of a preservative biocide to avoid contributing to biodegradation in a lignocellulosic product. The emulsions are pourable liquids at room temperature. Optionally, the emulsions may be added to lignocellulosic products with a preservative to inhibit the preservative from leaching out.

End Amendment to the specification

Reasons for allowance

3. The following is an examiner's statement of reasons for allowance: the prior art does not disclose or fairly suggest the compositions as claimed. The prior art does not disclose or fairly suggest the combination of components as claimed, more particularly the combination of the alkyl phenol component comprising a C₂₀-C₄₂ alkyl group and the carboxymethylcellulose in the claimed wax emulsions.

The abstract merely sets forth the abstract set forth in the PCT document on a separate page.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel S. Metzmaier whose telephone number is (571) 272-1089. The examiner can normally be reached on 9:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David W. Wu can be reached on (571) 272-1114. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

**/Daniel S. Metzmaier/
Primary Examiner, Art Unit 1796**

DSM